

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application.

Disposition of Claims

Claims 1-21 are pending in this application. Claims 1, 10, 11, 15, and 18 are independent. Claims 2, 3, and 9 have been cancelled in this action. The remaining claims depend, directly or indirectly, from claims 1, 10, 11, 15, and 18.

Acknowledgment of Formal Drawings

Applicant respectfully requests that the Examiner accept the formal drawings submitted on July 17, 2001.

Amendments

Applicant has amended claims 1, 6, 10, 11, 13, 15, 18, and 20 to clarify the present invention. No new matter has been added by way of these amendments. Dependent claims 2, 3, and 9 have been cancelled by this reply without prejudice or disclaimer.

Rejection(s) under 35 U.S.C § 101

Claims 1-14 and 18-21 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 10, 11, and 18 have been amended to clarify that the process management system executes on a computer system. Further, claims 1, 10, and 18 have been amended in this reply to clarify that a file is created on the computer system. No new matter has been added by way of these amendments, as support for these amendments may be found, for

example, in paragraph [0059] of the specification. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

The claims as amended are now directed towards statutory subject matter by setting forth physical structures comprising hardware or a combination of hardware and software within the technological arts (*i.e.*, a computer system) to produce a “useful, concrete and tangible” result. Specifically, a custom data field is produced within a process management system executing on a computer system. Further, the file used to specify properties of the custom data field may be created on the computer system.

Accordingly, amended claims 1, 10, 11, and 18 are directed towards statutory subject matter. Dependent claims that depend directly or indirectly from claims 1, 10, 11, and 18 are allowable for at least the same reasons. Further, as stated above, claims 2, 3, and 9 have been cancelled, so the rejection is now moot as to those claims. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 102

Claims 15-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,920,867 issued to Van Huben *et al.* (hereinafter “Van Huben”). Claim 15 has been amended in this reply to clarify the invention by adding limitations tracking claim 1. No new matter has been added by way of these amendments, as support for these amendments may be found, for example, in paragraphs [0059] and [0063] of the specification. Because claim 15 includes the limitations of claim 1 and claim 1 is not anticipated by Van Huben, claim 15 is allowable. Dependent claims 16-17 include the same limitations as amended claim 15 and are

allowable for at least the same reasons. Accordingly, the rejection is now moot as to amended claims 15-17, and should be withdrawn.

Rejection(s) under 35 U.S.C § 103

Claims 1-3, 8, 11, and 12

Claims 1-3, 8, 11, and 12 of the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Huben (as cited above) in view of U.S. Patent No. 5,201,047 issued to Maki *et al.* (“Maki”). Claims 1 and 11 have been amended in this reply to clarify the present invention recited. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

The Examiner asserts that Van Huben teaches packaging a file and model into an archive file. Applicant respectfully disagrees. When Van Huben refers to an archive file, it refers to a simple back-up process for a design control repository, libraries and other data onto tape or another repository (see, *e.g.*, col. 28, lines 40-63 of Van Huben). Van Huben fails to teach an archive file that is created from (1) a file that specifies visible properties of a custom data field; and (2) a defined model of the custom data field. Further, Van Huben fails to teach that the file and model being packaged in the archive file are specifically designated and are placed in the archive file based on the package structure of the intended object-oriented class (*i.e.*, the “new class” inserted into the process management system).

The Examiner admits that the Van Huben fails to teach inserting the custom data field and adding the archive file into the process management system as a new class. Maki fails to teach or disclose that which Van Huben lacks. Specifically, Maki completely fails to teach adding an archive file into the process management system for the same reasons as discussed

above for Van Huben. Further, Maki fails to contemplate inserting a data field and archive file into a process management system as an object-oriented class (*i.e.*, a template for defining methods and variables for a defined object, which are identical in form or behavior but contain different data in their variables). Instead, Maki teaches a relational database management system, using tables, where the data is classified by items using a tree structure that can be accessed using a query program (see, *e.g.*, Figures 4A-4E and col. 4, lines 23-53 of Maki). The custom data field of the present invention does not require a query of a database or the use of such an identification structure (with classification tree nodes or otherwise). In fact, the data associated with custom data field of the present invention is based on a defined object-oriented class, which uses the package structure of the archive file (as discussed above), *not* a database query or a tree structure formed from a query. Accordingly, these database structures taught in Maki are not analogous to the object-oriented class (defined by the archive file and a custom data field) claimed in the present invention.

In view of the above, Van Huben and Maki, whether taken separately or in combination, fail to show or suggest the present invention as recited in independent claims 1 and 11 as amended. Thus, the claims as amended are patentable over Van Huben and Maki. Dependent claims are allowable for at least the same reasons. Additionally, claims 2 and 3 have been cancelled, so the rejection is now moot as to those claims. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 4-9, 10, 13, 14, and 18-21

Claims 4-9, 10, 13, 14, and 18-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Huben (as cited above) in view of Maki (as cited above), further in view of Applicant Admitted Prior Art (“AAPA”). To the extent that this rejection applies, the rejection is respectfully traversed.

As discussed above, Van Huben and Maki fail to disclose all of the limitations of the present invention. Further, AAPA fails to disclose that which Van Huben and Maki lack.

Examiner asserts AAPA teaches testing the process management system with a new class. Applicant respectfully disagrees. The “Testing” label identified in the screen shot of Figure 8 fails to teach anything associated with testing the *new class* of the process management system. Figure 8 shows an administrative interface used to monitor and manage the deployed processes/applications that are installed on clusters (see, *e.g.*, paragraph [0023] of specification). However, by viewing Figure 8, it is impossible to determine whether the listed processes/applications include a new class (or even an old class). So, the “Testing” label is no indicator of testing the process management system *with the new class*. In fact, as a drawing labeled “prior art,” the concept of inserting a new class into the process management system (which is an element of the *present* invention) is presumably not even contemplated. So, the “Testing” allegedly shown in Figure 8 could not be testing of the process management system *with the new class*. Accordingly, the “Testing” label displayed in Figure 8 does not teach testing the process management system with a new class.

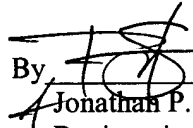
In view of the above, Van Huben, Maki, and AAPA, whether taken separately or in combination, fail to show or suggest the present invention as recited in claims 4-8, 10, 13-14, and 18-21. Thus, the claims as amended are patentable over Van Huben, Maki, and AAPA. Additionally, claim 9 has been cancelled, so the rejection is now moot as to that claim. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

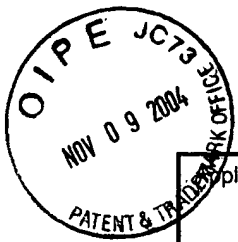
Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 13220/002001; P5653).

Dated: November 9, 2004

Respectfully submitted,

By  #451079
Jonathan P. Osha
Registration No.: 33,986
Osha & May L.L.P.,
1221 McKinney, Suite
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)

78922_1.DOC



Application No. (if known): 09/823,001

Attorney Docket No.: 13220/002001; P5653

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV535681078US in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on November 9, 2004
Date

Signature

Yuki Tsukuda

Typed or printed name of person signing Certificate

Registration Number, if applicable

713-228-8600
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.